IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

-

WRIT PETITION NO : 14483 of 2005

Between:

Thummala Chowdary Babu, S/o. Venkata Subbaiah,
R/o. Kodali, Krishna District.

..... PETITIONER

AND

1 The Government of A.P. represented by its Commissioner of Prohibition and Excise,
Nampally, Hyderabad.
2 The Prohibition & Excise Superintendent, Machilipatnam, Krishna District.
3 The District Collector, Krishna District, Machilipatnam, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue order or orders, direction or directions, writ or writs, particularly one in the nature of "WRIT OF MANDAMUS" declaring the inaction of the respondents in not issuing licence and not permitting the petitioner to carryon the retail A4 wine shop business is illegal, arbitrary, violative of Article 14 & 19 (i)(g) of the Constitution of India, against the provisions of A.P. Excise Act and A.P. Excise (Lease of Right of Selling by Shop and Conditions of Licence) Rules 2005 and consequently direct the respondents to issue A4 licence to the petitioner and permit him to carryon the A4 retail shop at premises No. 18/4A, Machilipatnam, Krishna District.

Counsel for the Petitioner: MR.K.L.N.SWAMY

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court at the stage of admission made the following:

ORAL ORDER:

The case of the petitioner is that though he was declared as highest bidder for Ward Nos.10 and 41, neither a licence has been issued in his favour nor has any order been passed informing him of the reasons for not granting him a licence.

2. The learned Government Pleader for Prohibition and Excise, on instructions, submits that since the petitioner seeks grant of licence for Ward No.11 instead of Ward No.10, no licence has as yet been granted in his favour.

3. Needless to state that these matters cannot be kept pending by the authorities concerned without passing appropriate orders more so when, it is admitted by the respondents that, the petitioner is the highest bidder. The respondents are directed to pass appropriate orders on the petitioner's request for grant of license within two (02) weeks from the date of receipt of a copy of this order.

4. The Writ Petition is disposed of. No costs.

14.07.2005

SSR

To

1 The Commissioner of Prohibition and Excise, Government of A.P.
Nampally, Hyderabad.
2 The Prohibition & Excise Superintendent, Machilipatnam, Krishna District.
3 The District Collector, Krishna District, Machilipatnam, Krishna District.

4 2 CCs to G.P. for Prohibition and Excise, High Court of A.P. Hyderabad.
(OUT)

5 2 CD copies

6 1 CC to MR.SWAMY

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